IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2170 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

---

GOPALBHAI VITTHALDAS

Versus

STATE OF GUJARAT

---

Appearance:

1. Criminal Misc.Application No. 2170 of 2000

MR YOGESH S LAKHANI for Petitioner No. 1-19

MR PR ABICHANDANI, APP for Respondent No. 1

SINGHI & BUCH ASSO. for Respondent No. 2

---

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 20/03/2003

ORAL JUDGEMENT

The present petitioners-original accused, who are facing the offence punishable under Sec.500 of the Indian Penal Code based on a complaint filed by the respondent

No.2-Jivanbhai Prabhudas Patel in the Court of learned J.M.F.C., Surat registered as Criminal Case No.6019 of 1999, has filed the present petition for quashing the complaint wherein after recording the verification, process was issued by the learned Magistrate.

2. Initially, ad-interim relief was granted by this Court vide order dated 8-11-2000 which was directed to be continued till final disposal of this petition while issuing rule vide order dated 15-2-2002.

3. Representatives of the communities are present in the Court along with their learned counsel. Learned counsel for the petitioners and the respondent No.2 have made a joint statement at the bar that the disputes between the parties are settled outside the Court and consent terms worked out have been admitted by the parties. They have also stated that petitioner Nos.3,11,19,21 and 26 died during the pendency of this petition and that as the disputes between the parties are compoundable, they have not asked for reasoned order. Xerox copy of the consent terms purshis dated 20-1-2003 reduced in writing by the parties submitted to this Court is ordered to be taken on record. In view of the aforesaid, this petition is required to be allowed.

4. This petition is allowed. The complaint and the process issued in Criminal Case No.6019 of 1999 pending in the court of learned J.M.F.C., Surat, are quashed and set aside. Rule is made absolute accordingly.

(R.P.DHOLAKIA,J.)
radhan/